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PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<b>NEW UTILITY PATENT APPLICATION TRANSMITTAL</b> <i>(only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket Number	22220-06167
	First Named Inventor	Thomas J. Maginot
	Title	EXTRAVASCULAR BYPASS GRAFTING METHOD UTILIZING AN INTRAVASCULAR APPROACH
	Express Mail Label No.	EL566299297

APPLICATION ELEMENTS	ACCOMPANYING APPLICATION PARTS
1. <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)	7. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))
2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	8. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)
3. <input checked="" type="checkbox"/> Specification <span style="float:right">Total Pages <input type="text" value="38"/></span> <i>(preferred arrangement set forth below)</i>	9. <input type="checkbox"/> Power of Attorney or Authorization of Agent
<input type="checkbox"/> Descriptive Title of the Invention <input type="checkbox"/> Cross Reference(s) to Related Case(s) <input type="checkbox"/> Statement Regarding Fed sponsored R & D <input type="checkbox"/> Background of the Invention <input type="checkbox"/> Brief Summary of the Invention <input type="checkbox"/> Brief Description of the Drawing(s) <input type="checkbox"/> Detailed Description <input type="checkbox"/> Claim or Claims <input type="checkbox"/> Abstract of the Disclosure	10. <input type="checkbox"/> 37 CFR 3.73(b) Statement
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. <span style="float:right">Total Sheets <input type="text" value="35"/></span> 113)	11. <input checked="" type="checkbox"/> Preliminary Amendment
5. Oath or Declaration	12. <input type="checkbox"/> Information Disclosure Statement & PTO-1449 <input type="checkbox"/> Copies of IDS Citation(s)
a. <input type="checkbox"/> New Declaration <span style="float:right">Total Pages <input type="text"/></span> <input type="checkbox"/> Executed (original or copy)	13. <input checked="" type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent
b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) <i>(for continuation/divisional with Box 18 completed)</i>	14. <input checked="" type="checkbox"/> Return Postcard
i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	15. <input type="checkbox"/>
6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	16. <input type="checkbox"/>
	17. <input type="checkbox"/>
<b>ADDRESS TO:</b> <b>Box Patent Application</b> <b>Commissioner for Patents</b> <b>Washington, D.C. 20231</b>	

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09 /475,789

Prior application information: Examiner: \_\_\_\_\_ Group/Art Unit: \_\_\_\_\_

**For CONTINUATION OR DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number and Bar Code Label <div style="text-align: center;">   <b>00758</b> </div>
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Name (Print/Type)	Albert C. Smith	Registration No. (Attorney/Agent)	20,355
Signature	<i>A.C. Smith</i>	Date	7/11/01

0002/PTO(modified) Rev. 10/2000	U.S. Department of Commerce Patent and Trademark Office	<b>Complete if Known</b> Application Number: Unassigned Filing Date: July 11, 2001 First Named Inventor: Thomas J. Maginot Group Art Unit: Unassigned Examiner Name: Unassigned Attorney Docket Number: 22220-06167
<b>FEE TRANSMITTAL</b>		
<b>TOTAL AMOUNT OF PAYMENT</b> Subtotal (1) + Subtotal (2) + Subtotal (3) = <b>(\$950.00)</b>		

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																								
<b>1. The Commissioner is hereby authorized to:</b>  <input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account.  <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. <sup>†</sup>  <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27  Deposit Account Number: 19-2555 Deposit Account Name: FENWICK & WEST LLP A Duplicate Copy of this authorization is attached  <b>2. <input checked="" type="checkbox"/> Payment Enclosed:</b> <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Other	<b>3. ADDITIONAL FEES</b> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity Fee Code/Fee</th> <th style="text-align: left;">Small Entity Fee Code/Fee</th> <th style="text-align: left;">Fee Description</th> <th style="text-align: left;">Fee Due</th> </tr> </thead> <tbody> <tr><td>105/\$130</td><td>205/\$65</td><td>Surcharge - late filing fee or oath</td><td><input type="text"/></td></tr> <tr><td>127/\$50</td><td>227/\$25</td><td>Surcharge-late provisional filing fee or cover sheet</td><td><input type="text"/></td></tr> <tr><td>147/\$2,520</td><td>147/\$2,520</td><td>For filing a request for reexamination</td><td><input type="text"/></td></tr> <tr><td>115/\$110</td><td>215/\$55</td><td>Extension for response within first month<sup>†</sup></td><td><input type="text"/></td></tr> <tr><td>116/\$390</td><td>216/\$195</td><td>Extension for response within second month<sup>†</sup></td><td><input type="text"/></td></tr> <tr><td>117/\$890</td><td>217/\$445</td><td>Extension for response within third month<sup>†</sup></td><td><input type="text"/></td></tr> <tr><td>118/\$1,390</td><td>218/\$695</td><td>Extension for response within fourth month<sup>†</sup></td><td><input type="text"/></td></tr> <tr><td>128/\$1,890</td><td>228/\$945</td><td>Extension for response within fifth month<sup>†</sup></td><td><input type="text"/></td></tr> <tr><td>119/\$310</td><td>219/\$155</td><td>Notice of Appeal</td><td><input type="text"/></td></tr> <tr><td>141/\$1,240</td><td>241/\$620</td><td>Petition to revive unintentionally abandoned application</td><td><input type="text"/></td></tr> <tr><td>142/\$1,240</td><td>242/\$620</td><td>Utility Issue Fee (Or Reissue)</td><td><input type="text"/></td></tr> <tr><td>143/\$440</td><td>243/\$220</td><td>Design Issue Fee</td><td><input type="text"/></td></tr> <tr><td>122/\$130</td><td>122/\$130</td><td>Petitions to the Commissioner</td><td><input type="text"/></td></tr> <tr><td>126/\$180</td><td>126/\$180</td><td>Submission of Information Disclosure Statement</td><td><input type="text"/></td></tr> <tr><td>179/\$710</td><td>279/\$355</td><td>Request for Continued Examination (RCE)</td><td><input type="text"/></td></tr> <tr><td>581/\$40</td><td>581/\$40</td><td>Recording each patent assignment per property (times number of properties)</td><td><input type="text"/></td></tr> <tr><td>146/\$710</td><td>246/\$355</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td><input type="text"/></td></tr> <tr><td>149/\$710</td><td>249/\$355</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td><input type="text"/></td></tr> <tr><td colspan="3">Other fee (specify):</td><td><input type="text"/></td></tr> <tr><td colspan="3">Other fee (specify):</td><td><input type="text"/></td></tr> <tr> <td colspan="3" style="text-align: right;"><b>SUBTOTAL (3)</b></td> <td><b>(\$0)</b></td> </tr> </tbody> </table>	Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	105/\$130	205/\$65	Surcharge - late filing fee or oath	<input type="text"/>	127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet	<input type="text"/>	147/\$2,520	147/\$2,520	For filing a request for reexamination	<input type="text"/>	115/\$110	215/\$55	Extension for response within first month <sup>†</sup>	<input type="text"/>	116/\$390	216/\$195	Extension for response within second month <sup>†</sup>	<input type="text"/>	117/\$890	217/\$445	Extension for response within third month <sup>†</sup>	<input type="text"/>	118/\$1,390	218/\$695	Extension for response within fourth month <sup>†</sup>	<input type="text"/>	128/\$1,890	228/\$945	Extension for response within fifth month <sup>†</sup>	<input type="text"/>	119/\$310	219/\$155	Notice of Appeal	<input type="text"/>	141/\$1,240	241/\$620	Petition to revive unintentionally abandoned application	<input type="text"/>	142/\$1,240	242/\$620	Utility Issue Fee (Or Reissue)	<input type="text"/>	143/\$440	243/\$220	Design Issue Fee	<input type="text"/>	122/\$130	122/\$130	Petitions to the Commissioner	<input type="text"/>	126/\$180	126/\$180	Submission of Information Disclosure Statement	<input type="text"/>	179/\$710	279/\$355	Request for Continued Examination (RCE)	<input type="text"/>	581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	<input type="text"/>	146/\$710	246/\$355	Filing a submission after final rejection (37 CFR 1.129(a))	<input type="text"/>	149/\$710	249/\$355	For each additional invention to be examined (37 CFR 1.129(b))	<input type="text"/>	Other fee (specify):			<input type="text"/>	Other fee (specify):			<input type="text"/>	<b>SUBTOTAL (3)</b>			<b>(\$0)</b>
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* Subtract the greater number of Col. 2 ** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3		<b>SUBTOTAL (2)</b> <b>(\$240)</b>																																																																																							

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Typed or Printed Name	Albert C. Smith	Reg. Number	20,355
Signature		Date	7/11/01

<sup>†</sup> Request for Extension of Time per 37 CFR 1.136 (a)(3) made hereby

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Thomas J. Maginot
	Title	EXTRAVASCULAR BYPASS GRAFTING METHOD UTILIZING AN INTRAVASCULAR APPROACH
	Atty Docket Number	22220-06167

I hereby certify that the invention disclosed in the attached application **has not been and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

7/11/01

Date

A. C. Smith

Signature

Albert C. Smith, Reg. No. 20,355

Typed or printed name/Registration Number

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to